

Notice of Allowability

Application No.

09/704,904

Applicant(s)

HAYTON ET AL.

Examiner

Melvin H. Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 8/17/05.
2. ☒ The allowed claim(s) is/are 1,3-9,12,13,15-19 and 22-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other see attached office action.

MHP

Jason Carbone
JASON CARBONE
SPE AU2145

DETAILED ACTION

Allowable Subject Matter

1. Claims 1, 3-9, 12, 13, 15-19, and 22-29 are allowed.
2. The following is an examiner's statement of reasons for allowance: the examiner has determined that the combination of features in the currently drawn independent claims is novel.
3. The remarks section of the amendment breaks down the method to explain the idea in greater detail. It involves the development and transmittal of a web page, such page having been broken up into multiple code fragments that create static and dynamic portions of a page (P. 8, lines 1-10), the fragments marked off by identifiers, primarily identifier tags, to identify the portion such as a scan tag (P. 10, lines 6-18). When the server notices a change of any type – a user command, a user data entry, or a change to data from an administrator or content server (P. 9) – it determines the component to replace and develops a new component. It then transmits the component – and only the component – to the client, which then determines how to replace the old component with the new component. It does not transmit the component in response to a browser refresh command, and it does not produce a new page at either the server or client end for the purpose of swapping pages or swapping components from pages.
4. While there is a lot of refresh the component art, the art tends to teach away from the server performing a data push to the client upon detection of a change. Rather, the refresh usually occurs because of activity at the browser end: a refresh command from the browser in response to a timer or user input, after which the server responds with the data. Further, many of the types of component replacement functions do so by building a full web page and then either swapping the pages or linking the pages in order to swap components. There is no web page

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component-refresh teaching that teaches the combination or motivation to provide the combination of a server deciding to send a component without a refresh command, and a component refresh without a page linking or page swap method. Therefore, the combination is considered novel and non-obvious.

5. Claims 1, 12, and 22 are allowable for the reasons above.
6. Claims 3-9, 13, 15-19, and 23-29 are dependent on the allowable claims and are therefore also allowable for the reasons above.
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They provide further background teachings on the state of the art in regards to component refresh.

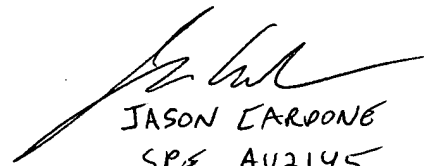
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP
19 October 2005



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